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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Recalling its resolution 58/194 of 22 December 2003,

1. *Welcomes*:

(a) The limited increase in the ability of members of certain religious minority groups, including the Bahá'í faith, the Baptist church, the Hare Krishna movement and the Seventh-day Adventist church, to practise their religion;

(b) The release in June 2004 of a number of Jehovah's Witnesses who had made conscientious objections to undertaking military service, but noting with concern that other Jehovah's Witnesses continue to be jailed on the same charge;

(c) The comments of President Saparmurat Niyazov in May 2004 that interested representatives of the international community were welcome to visit Turkmen prisons, and noting with satisfaction that the Government of Turkmenistan has begun preliminary discussions with representatives of the International Committee of the Red Cross regarding prison access;

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(d) That the Personal Envoy of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for Participating States in Central Asia, has been given the opportunity for further dialogue with the Government of Turkmenistan and expresses the hope that a constructive dialogue on human rights issues is to be continued soon;

(e) The submission of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination[1] to the Committee on the Elimination of Racial Discrimination, and encourages the Government of Turkmenistan also to submit the reports due under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

(a) The persistence of a governmental policy based on the repression of all political opposition activities;

(b) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedoms of expression, assembly and association, and by harassment of their families;

(c) Further restrictions on the freedom of expression and opinion, including the loss of local retransmissions of Russian language programmes on Radio Mayak, and serious harassment endured by local correspondents and collaborators of Radio Liberty;

(d) Continued restrictions on the exercise of the freedoms of thought, conscience, religion and belief;

(e) Continued discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities in the fields of education, employment and forced displacement, despite assurances by the Government that it will stop this discrimination;

(f) Continued constraints faced by civil society organizations, including the application of the restrictive provisions contained in the 2003 Law on Public Associations and slow progress in the registration of non-governmental organizations under the procedures set out in this Law;

3. *Regrets* the decision of the Government of Turkmenistan not to renew the accreditation for the Head of the Centre of the Organization for Security and Cooperation in Europe at Ashgabat, but hopes that the Turkmen authorities will cooperate fully with her successor;

4. *Calls upon* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms and, in this regard, implement fully the measures set out in Commission on Human Rights resolutions 2003/11[2] and 2004/12;[3]

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[1] Resolution 2106 A (XX), annex.

[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[3] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

(b) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights and all the relevant United Nations treaty bodies;

(c) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to work constructively with the various institutions of the organization, in particular following the visit of the Personal Envoy of the Chairman-in-Office of the Organization for Participating States in Central Asia, to work towards implementation of those recommendations and to extend an invitation to the High Commissioner on National Minorities of the organization to visit the country;

(d) To release immediately and unconditionally all prisoners of conscience;

(e) To give real substance to the May 2004 offer of President Saparmurat Niyazov for interested representatives of the international community to visit Turkmen prisons by providing appropriate independent bodies, including the International Committee of the Red Cross, with full access to all places of detention in accordance with the usual modalities for those organizations and ensuring that lawyers and relatives have full and repeated access to all those in detention, including those convicted of involvement in the attempted coup d'état of 25 November 2002;

(f) To ensure that the forthcoming parliamentary elections will be held consistent with the commitments of the Organization for Security and Cooperation in Europe and other international standards for democratic elections;

(g) To remove the restrictions on the activities of public associations, including non-governmental organizations, and to enable those organizations, in particular human rights organizations, and other civil society actors to carry out their activities without hindrance;

5. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixtieth session.